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971 U.S. PTO
09/824864

[illegible]

Derrick Brown

☐ The inventor(s) to be deleted are set forth on a signed sheet attached hereto.

5. ☐ The entire disclosure of the prior application referred to above is considered to be part of the accompanying application and is hereby incorporated by reference herein.
6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- ☐ Computer Readable copy
- ☐ Paper Copy (identical to computer copy)
- ☐ Statement verifying identity of above copies
8. ☒ Assignment Papers
9. Power of Attorney
- ☒ Is attached.
- ☐ The power of attorney appears in the original papers of the prior application.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
10. ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS Citations
11. Amendments
- ☐ A preliminary amendment is enclosed.
- ☐ Cancel in this application claim(s) _____ before calculating the filing fee. At least one independent claim is retained for filing purposes.
- ☐ Amend the specification by inserting before the first line the sentence: _____.
12. ☒ Return Receipt Postcard
13. Small Entity Status
- ☐ A small entity statement is enclosed.
- ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- ☐ Is no longer claimed.
14. ☐ Priority of foreign application number _____, filed on _____ in _____ is claimed under 35 U.S.C. §§ 119(a)-(d)
15. ☐ Petition under 37 C.F.R. § 136 for Extension of Time
16. ☒ Other: Request and Certification

Address all future correspondence to:

Lawrence J. Merkel
Conley, Rose, & Tayon, P.C.
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Austin, Texas 78767
Phone: (512) 476-1400 Fax: (512) 703-1250

Signature

Name

Registration No.

Date

Lawrence J. Merkel

41,191

April 2, 2001

PATENT
(5500-65900/TT4235)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: Unknown
Filed: Concurrently herewith
Inventor(s):
Kevin J. McGrath

Examiner: Unknown
Group/Art Unit: Unknown
Atty. Dkt. No: 5500-65900

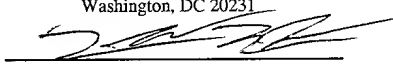
Title: Mode Dependent Segment
Use with Mode Independent
Segment Update

CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EL726370563US
DATE OF DEPOSIT: April 2, 2001

I hereby certify that this paper or fee is being deposited with the
United States Postal Service "Express Mail Post Office to
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above and is addressed to

Commissioner for Patents
Box Patent Application
Washington, DC 20231


Derrick Brown

FEE AUTHORIZATION

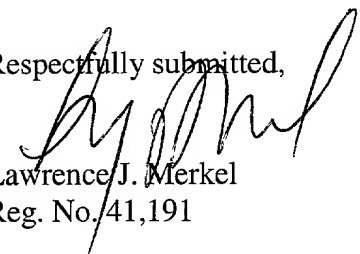
Commissioner for Patents
Washington, D.C. 20231

The Commissioner is hereby authorized to charge the following fee to Conley,
Rose & Tayon, P.C. Deposit Account Number 501505/5500-65900/LJM:

| | | |
|---------------------------|-------------------------|--|
| Fee: <u>Filing Fee</u> | Amount: <u>\$710.00</u> | Attorney Docket No.: <u>5500-65900</u> |
| Fee: <u>Excess Claims</u> | Amount: <u>\$80.00</u> | Attorney Docket No.: <u>5500-65900</u> |

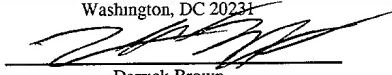
The Commissioner is also authorized to charge any extension fee or other fees
which may be necessary to the same account number. If the abovementioned account is
found to have insufficient funds, the Commissioner is authorized to charge Conley, Rose
& Tayon, P.C. Deposit Account Number 501623/5500-65900/LJM.

Respectfully submitted,


Lawrence J. Merkel
Reg. No. 41,191

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Date: April 2, 2001

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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|---|---|--|--|
| <p align="center">CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §1.10</p> <p>"Express Mail" mailing label number: EL726370563US DATE OF DEPOSIT: April 2, 2001</p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to:</p> <p align="center">Assistant Commissioner for Patents Box Patent Application Washington, DC 20231</p> <p align="center"> Derrick Brown</p> | | <p align="center">REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</p> | |
| Atty Docket Number: | | 5500-65900 | |
| First Named Inventor: | | Kevin J. McGrath | |
| Title: | Mode Dependent Segment Use with Mode Independent Segment Update | | |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b)

April 2, 2001
 Date


 Signature

Lawrence J. Merkel 41,191
 Typed or printed name Reg. No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.